

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

**Proposing rule making related to the statewide sobriety and drug monitoring program
and providing an opportunity for public comment**

The Department of Public Safety hereby proposes to amend Chapter 159, “Statewide Sobriety and Drug Monitoring Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 901D.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 901D and 2020 Iowa Acts, House File 2411.

Purpose and Summary

The proposed amendments update Chapter 159 to reflect the revisions made to the Statewide Sobriety and Drug Monitoring Program by 2020 Iowa Acts, House File 2411. This legislation eliminated the provision that a person who has been ordered to participate in the Statewide Sobriety and Drug Monitoring Program by a court, and whose driver’s license has been suspended or revoked, be eligible for a temporary restricted license before beginning participation in the program or being subject to the testing required by the program. The legislation also eliminated the requirement that a person install an approved ignition interlock device on each of the vehicles owned or operated by that person in order to participate in the program.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 11, 2021. Comments should be directed to:

Sarah Jennings
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: jennings@dps.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 159.12(1) as follows:

159.12(1) Requirements. A person subject to testing in the 24/7 program is required to do all of the following:

- a.* and *b.* No change.
- c.* Participate in the 24/7 program when ordered as a condition of bond, pretrial release, sentence, probation, or parole, ~~or a temporary restricted license.~~
- d.* and *e.* No change.
- f.* ~~Install~~ Unless otherwise ordered by the court, install an approved ignition interlock device on all motor vehicles owned or operated by the person if the person’s driver’s license is suspended or revoked or as is otherwise required by Iowa Code section 321J.17, and in any circumstance in which Iowa Code chapter 321J requires the installation of an ignition interlock device, ~~or as ordered by the court pursuant to Iowa Code section 901D.3(2)“b.”.~~
- g.* and *h.* No change.